



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 14, 1994

Ms. J. Praba Cinclair
Assistant City Attorney
City of Dallas
1500 Marilla
Dallas, Texas 75201

OR94-555

Dear Ms. Cinclair:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 28465.

The City of Dallas (the "city") has received a request for certain audio tapes involving an incident of alleged child abuse. You have submitted the requested audio tapes to us for review. You claim that section 552.108 of Government Code excepts them from required public disclosure.

Section 552.108 of the Government Code excepts from required public disclosure the following information:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution.

When applying section 552.108, this office distinguishes between cases that are still under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. *See generally* Open Records Decision No. 127 (1976). You advise us that the submitted audio tapes relate to an active investigation. For this reason, we conclude that the city may withhold the requested information under section 552.108 of the Government Code.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive, flowing style.

Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/GCK/rho

Ref.: ID# 28465

Enclosures: Submitted audio tapes

cc: Mr. Oscar Angulo
Telemundo Network
2470 West 8th Avenue
Hialeah, Florida 33010
(w/o enclosures)